



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 25, 2022

TO: Mayor and Councilmembers

FROM: Public Works Department
Community Development Department

SUBJECT: Introduction Of Uncodified Ordinance Providing An Economic Recovery Extension And Transition Period By Amending, Restating, And Extending Provisions Previously Included In The Emergency Economic Recovery Ordinances

RECOMMENDATION:

That Council introduce and subsequently adopt by reading of title only, an Uncodified Ordinance of the Council of the City of Santa Barbara Providing an Economic Recovery Extension and Transition Period by Amending, Restating, and Extending Provisions Previously Included in the Emergency Economic Recovery Ordinances.

EXECUTIVE SUMMARY

The proposed ordinance provides authorization for the continued closure of State Street to motor vehicles and commercial uses of adjacent public streets, parking spaces, and off-street parking and setback areas until December 31, 2023. The ordinance establishes a 20-foot wide fire and emergency vehicle access lane within the closed portion of State Street. The 22-month extension and transition period will continue to allow businesses to operate expanded outdoor business facilities and parklets Citywide while permanent regulatory changes and the State Street Master Plan are in development.

DISCUSSION:

Background

On March 17, 2020, the City Council adopted Resolution No. 20-021 to ratify and proclaim the existence of a local emergency due to COVID-19. In response to the continuing COVID-19 public health emergency and resulting economic impacts to the City's businesses and local economy, on May 19, 2020, City Council provided further direction to the City Administrator regarding economic recovery, including use of emergency

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authority to temporarily close State Street to vehicular traffic to create a pedestrian promenade and provide opportunity for outdoor business activity. On May 22, 2020, the City Administrator issued a Local Emergency Order to establish a temporary pedestrian promenade on State Street to stimulate economic recovery. The Local Emergency Order had an expiration date of June 2, 2020.

On May 28, 2020, Council adopted Emergency Economic Recovery Ordinance No. 5944 extending the Local Emergency Order and further authorizing the temporary closure of streets and expansion of existing permitted commercial uses of property into adjacent public streets, sidewalks, parking spaces, and lots as well as into required off-street parking and setback areas. While the ordinance was originally set to expire on September 8, 2020, due to the ongoing public health emergency, Council approved two additional modifications to the Emergency Economic Recovery Ordinance to extend the term until March 8, 2022.

City Council directed staff on March 9, 2021 to initiate the regulatory changes to transition from temporary to permanent closure of certain blocks of Downtown State Street to motor vehicles as well as initiate the planning processes necessary for the development of a Master Plan for the Downtown State Street area. Additionally, on June 22, 2021, Council authorized a prohibition of businesses to use sidewalks for outdoor business facility expansions and directed businesses to the Outdoor Dining Program in order to improve accessibility on the sidewalks and visibility of retail storefronts.

Economic Recovery Extension and Transition Ordinance

Recognizing that the local economy and businesses are still recovering, the pandemic has not ended, and further public health restrictions may be imposed, staff recommends that Council adopt the proposed Economic Recovery Extension and Transition Ordinance. The proposed ordinance provides authorization for the continued closure of State Street and expansion of existing permitted commercial uses of property into adjacent public streets, parking spaces, and off-street parking and setback areas until December 31, 2023. This 22-month extension and transition period will continue to allow businesses to operate expanded outdoor business facilities and parklets Citywide, and it authorizes the continued closure of downtown State Street to vehicles while regulatory changes and the State Street Master Plan are in development.

Fire Access Lane

When Downtown State Street was initially closed in May 2020, the Fire Department was supportive of a 14½-foot-wide fire access lane with the understanding that the closure was a short-term solution in response to the public health emergency; however, since the closure of Downtown State Street will continue for an additional two years, full operational access for emergency personnel on State Street must be instituted. This includes compliance with the California Fire Code and Title 8 of the Santa Barbara Municipal Code,

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which require an unobstructed width of 20 feet and an unobstructed vertical clearance of 13 feet, six inches for a fire access lane. The Fire Department is requiring that a standard fire access lane be implemented on the closed section of Downtown State Street as of the effective date of the Economic Recovery Extension and Transition Ordinance. This requirement will be a permanent requirement of State Street, as it is a requirement for all access roads in the City.

In order to accommodate the 20-foot fire access lane, businesses with outdoor business facilities on the closed portion of the State Street Promenade will need to modify their outdoor facilities so they do not encroach on the fire lane. Most businesses' facilities cannot exceed nine feet in depth from the curb (or six feet if adjacent to a crosswalk) to accommodate the fire access lane. Less than half of the approximately 60 outdoor business facilities on the State Street Promenade will be impacted with the implementation of the 20-foot fire access lane. (Refer to the map attached as an exhibit to the Economic Recovery Extension and Transition Ordinance for an illustration of the dimensions of fire access lane on a typical State Street block.) Staff will be available to help businesses determine where the boundaries of their outdoor business facilities are in relation to the required unobstructed fire access lane. Existing businesses on State Street with outdoor business facilities will be required to modify their areas to ensure they do not encroach into the fire access lane no later than March 8, 2022. The proposed ordinance includes an enforcement provision to facilitate compliance.

The proposed ordinance also includes a provision that as of January 25, 2022, any new outdoor business facilities on the State Street Promenade be composed entirely of portable equipment and furnishings located within the roadway. All outdoor business facilities are required to meet the accessibility provisions City of Santa Barbara's Guide to Operating a Business on the Temporary State Street Promenade and must be moveable within 24 hours' notice without the use of mechanized equipment. Additionally, cooking facilities and equipment are prohibited in any outdoor business facility or parklet, and this Ordinance no longer contains an exemption from the sign ordinance for businesses on the Promenade.

Staff encourages businesses with outdoor business facilities to consider transitioning their outdoor business areas toward portability design features when updating their areas to comply with the Fire Code requirements. Portability will ensure compatibility with ADA requirements, ease of cleaning and maintenance of the roadway, improved stormwater flow, and compliance with required fire lane requirements. Portability will also enable the City to support special events on the street such as parades and festivals.

Additionally, due to the increasing need for vehicular circulation and access the proposed ordinance does not permit the continued full or partial closure of the 00 block of West Victoria Street, 1300 block of State Street, and other portions of roadways that were allowed in the early days of the pandemic. The City intends to reopen both travel lanes on these roadways by March 8. Businesses in these locations interested in having

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expanded outdoor business areas are encouraged to reconfigure those spaces as parklets. Notices were hand delivered to the impacted businesses on January 11 notifying them of these proposed changes in the ordinance and the City Council Ordinance Committee review and City Council consideration of the proposed ordinance.

Parades and Special Events

The proposed ordinance, as introduced, requires outdoor business facilities located on the Promenade, and existing before January 25, 2022, to be comprised entirely of portable equipment and furnishings. Staff requests that Council establish a deadline for existing facilities to become potable as part of the adoption of the ordinance. The ordinance, as introduced, includes three potential deadlines: June 1, 2022, November 1, 2022, or June 1, 2023. In establishing this deadline, Council may wish to consider when parades and special events will return to the State Street Promenade. The deadline that Council selects will, in turn, dictate the process and timing for establishing portability design standards. Old Spanish Days is planning on applying for the use of Cabrillo Boulevard for their August parade; however, community event organizers of the Solstice, 4th of July, and Holiday parades have not submitted applications for their 2022 events.

Business Outreach and Feedback

On January 11 and 12, staff hand distributed notices to the businesses with outdoor business facilities that will be impacted by the proposed ordinance and changes to the roadways, and issued a press release of the proposed ordinance and Council meeting on January 25. In addition, staff presented the proposed ordinance to the State Street Advisory Committee (SSAC) on January 10 for their review and comment. SSAC members expressed concern about the timeline of the fire lane implementation and requirement for businesses to modify their outdoor business areas by March 8. Concerns about transitioning to portability and the potential timeline and design requirements were also raised. Other members questioned the need to reopen the 00 block of West Victoria and the 1300 block of State Street. Concerns were raised about the timing of these changes due to the current wave of COVID infections and the financial impact that businesses would experience due to modifying their outdoor facilities. Lastly, there were suggestions to direct future parades to Cabrillo Boulevard and for the City to provide some financial assistance to affected businesses. For a complete outline of the SSAC feedback see the Attachment.

Additionally, staff met with 18 downtown businesses who would be impacted by the proposed ordinance on January 14 to hear their concerns and feedback. Overall, the businesses raised concern with the timeline of the required changes, the poor timing of the transition due to the recent COVID infection surge, the loss of business revenue, the additional costs of compliance, and customer experience. Staff also attended a Santa Barbara South Coast Chamber of Commerce meeting on January 20 on the issue.

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BUDGET/FINANCIAL INFORMATION:

The interim operations and management of State Street will require capital and operational funding. Staff will return to Council with a budget request after recommended operational or capital projects have been identified.

ATTACHMENT: State Street Advisory Committee Feedback

PREPARED BY: Jason Harris, Economic Development Manager

SUBMITTED BY: Elias Isaacson, Community Development Director
Clifford Maurer, Public Works Director

APPROVED BY: City Administrator's Office